

CITY COUNCIL REPORT



MEETING DATE: December 13, 2005

ITEM NO. 3

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Pinnacle Peak Place - 7-AB-2005

REQUEST

Request to consider the following:

- Abandon the existing 110-foot wide right-of-way of Desert Highlands Drive from Pima Road east approximately 800 feet to allow realignment of Desert Highlands Drive.

Related References:

Case 21-PP-2004 pertains to the Pinnacle Peak Place preliminary plat.

OWNER

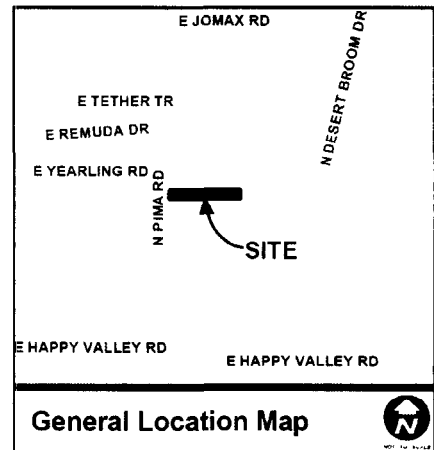
The Pivotal Group
602-956-7200

APPLICANT CONTACT

John Berry
Berry & Damore, LLC
480-385-2727

LOCATION

Northeast corner of Desert Highlands Drive & Pima Road



BACKGROUND

Background/Context.

This portion of Desert Highlands Drive lies at the east side of the intersection of Desert Highlands Drive and Pima Road and provides primary access to the Desert Highlands subdivision.

Adjacent Uses:

North: Vacant, planned for single-family residential, zoned R1-70 ESL
East: Single-family residential, zoned R1-18 ESL
South: Vacant, planned for single-family residential, zoned R1-70 ESL
West: Pima Road and single-family residential, zoned R1-70 ESL

APPLICANT'S PROPOSAL

Goal/Purpose of Request.

This is a request to abandon a portion of Desert Highlands Drive directly east of the Pima Road intersection. The abandonment of this right-of-way is in conjunction with a new subdivision plat that realigns Desert Highlands Drive to the north so that it aligns with Yearling Road on the west side of Pima Road. The realignment will provide for a safer intersection at Pima Road.

IMPACT ANALYSIS

Community Impact.

The proposal provides for a new roadway in exchange for the existing right-of-way to allow Desert Highlands Drive on the east side of Pima Road to align with Yearling Road on the west side of Pima Road. The realignment will

provide for a safer intersection at Pima Road.

Prior to adopting a resolution affirming the abandonment, the developer of the Pinnacle Peak Place subdivision is required to construct the new roadway. Due to the length of time necessary to construct the new roadway, a two-year time period will be needed to satisfy this requirement. When the roadway is completed, a resolution affirming the abandonment will be heard by City Council.

The abandoned right-of-way will be assumed by the adjacent respective property owner and will become property to be incorporated into future development (Pinnacle Peak Place subdivision). If necessary, a public access and utility easement will be reserved until the new roadway and utilities are relocated.

Community Involvement.

The site has been posted and the surrounding property owners within 750 feet of the site have been notified. The applicant continues to have meetings with area residents to discuss the Pinnacle Peak Place subdivision. The Desert Highlands subdivision supports the abandonment as long as access will be maintained with the new street alignment (see Attachment #9). There have been no letters responding to this application, and there has been general support for the realignment of the roads at the Pima Road intersection.

Departmental Responses.

City Department/Division participants concur with this abandonment request. See Department Issues Checklist (Attachment #1).

OTHER BOARDS AND COMMISSIONS

Planning Commission.

The Planning Commission heard this case on the October 26, 2005 expedited agenda and recommended approval, 5-0.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends approval of the abandonment of the public street, subject to the following stipulation:

1. Adoption and recordation of the resolution affirming the abandonment shall return to City Council after the Desert Highlands Drive realignment roadway improvements have been constructed by the developer and approved by the City. This stipulation shall be satisfied within two (2) years of the approval of this action.

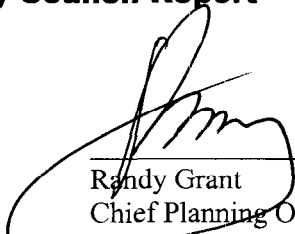
**RESPONSIBLE DEPT(S)
STAFF CONTACT(S)**

Planning and Development Services Department

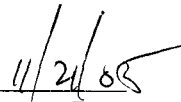
Tim Curtis, AICP
Project Coordination Manager
480-312-4210
E-mail: tcurtis@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

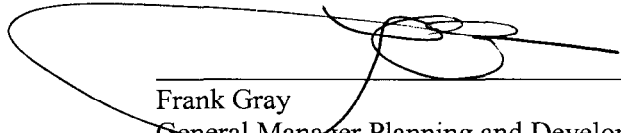
APPROVED BY



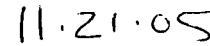
Randy Grant
Chief Planning Officer



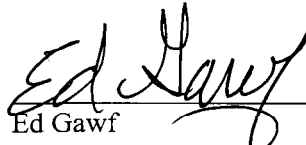
Date



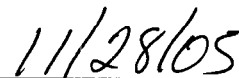
Frank Gray
General Manager Planning and Development Services



Date



Ed Gawf
Deputy City Manager



Date

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Easements and Right-of-Ways
5. Area Trails Plan
6. Pinnacle Peak Place Preliminary Plat
7. City Notification Map
8. October 26, 2005 Planning Commission Minutes
9. Desert Highlands Support Letter

CASE 7-AB-2005

Department Issues Checklist

Transportation

☒ **Support**

The proposal will realign Desert Highlands Drive on the east side of Pima Road to match the alignment of Yearling Road on the west side of Pima Road, which will create a safer intersection at Pima Road. If necessary, a public access easement can be reserved until the new roadway is constructed as part of the Pinnacle Peak Place subdivision.

Trails

☒ **Support**

The Trail Master Plan has no requirement for a trail in this right-of-way.

Adjacent Property Owner Notification

☒ **Support**

Surrounding property owners were notified and Desert Highlands supports the abandonment as long as access will be maintained with the new street alignment. There has been general support with the realignment of the roads at the Pima Road intersection.

Public Utilities

☒ **Support**

Letters of support from the affected public utility companies are on file with the City of Scottsdale. If necessary, public utility easement can be reserved for any utilities until they are relocated as part of the Pinnacle Peak Place subdivision.

Emergency/Municipal Services

☒ **Support**

This request does not impact the ability to provide emergency or other municipal services to the adjacent properties or surrounding area. Access will be maintained with the new street alignment.

Water/Sewer Services

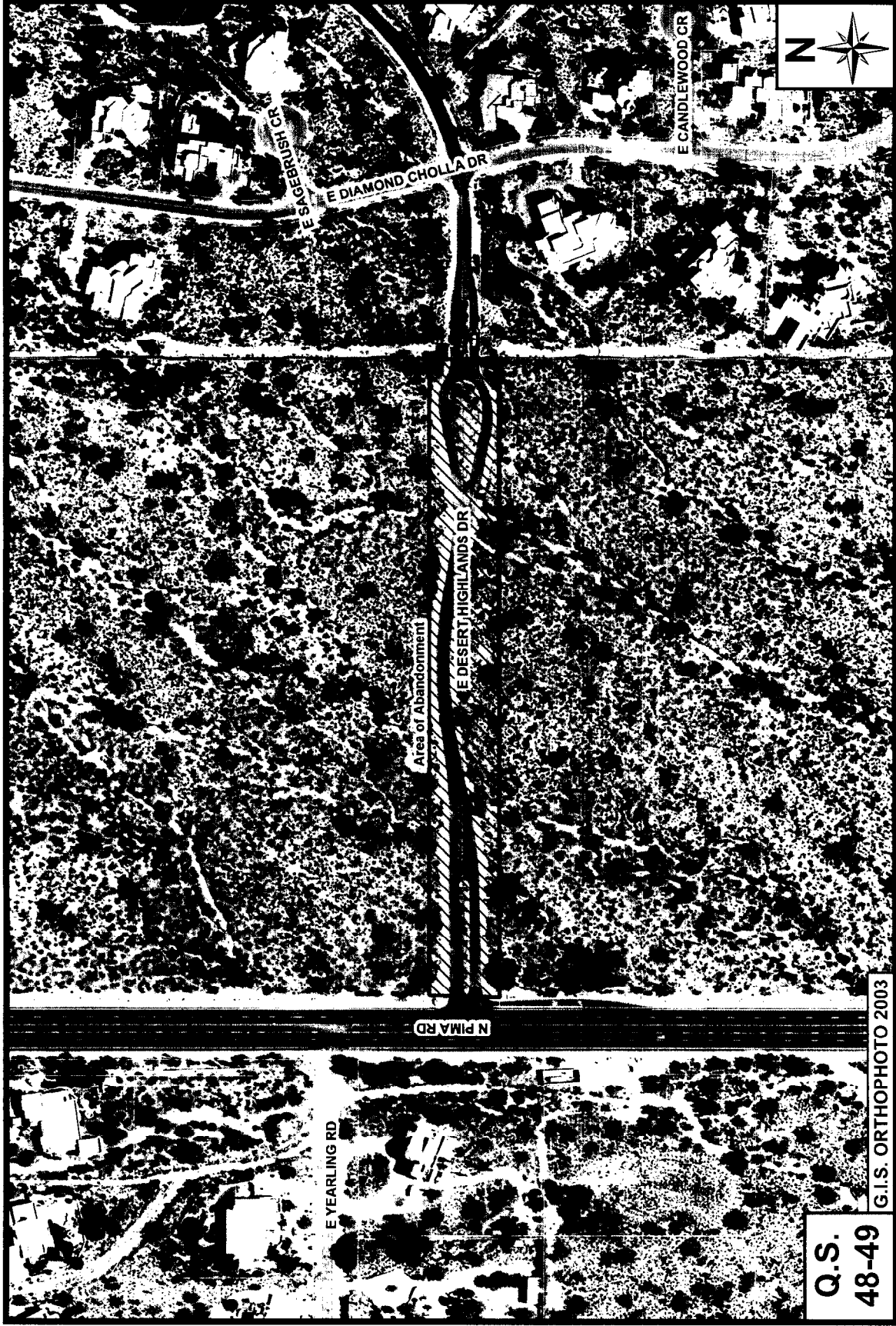
☒ **Support**

The abandonment will have no impact on water or sewer services.

Drainage

☒ **Support**

The abandonment will have no impact on drainage.



Q.S.
48-49

G.I.S. ORTHOPHOTO 2003

Pinnacle Peak Place

7-AB-2005

ATTACHMENT #3

PRELIMINARY SITE PLAN DATA

Project Location:	NEC of Shea Boulevard & 136th Street
Site Acreage (Gross)	124 ac (+/-)
No. of Residential Units	80
Density	0.65 du/ac
Existing Zoning	R1-43 ESL & R1-70 ESL
Open Space:	
Required NAOS	32.9 Ac
Provided NAOS	42.3 Ac

R1-43 ESL Setbacks (per amended dev. stds):	
Min. Lot Area	32,250 Sq. Ft
Front	30 Ft
Side	15 Ft
Rear	27 Ft

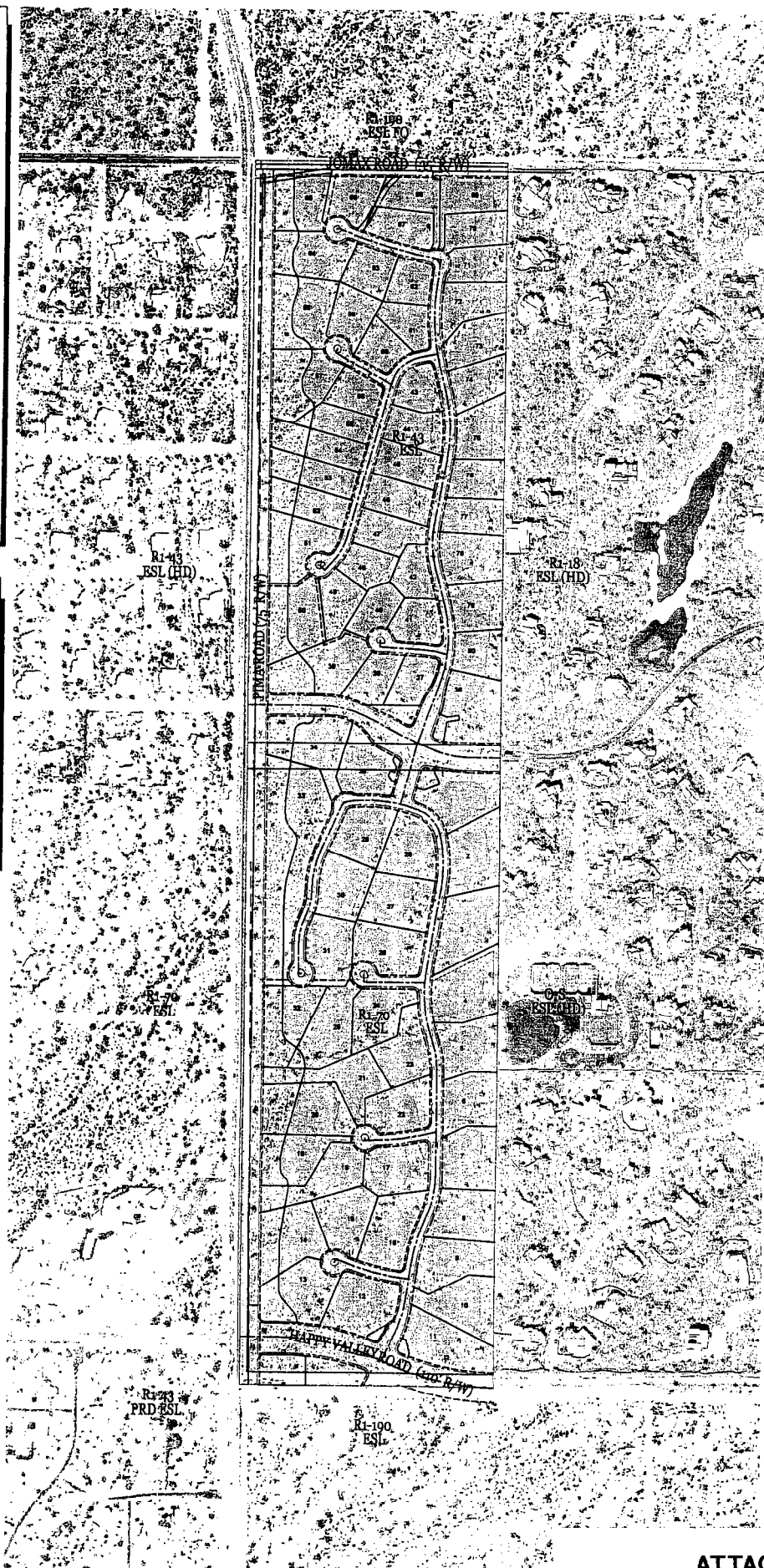
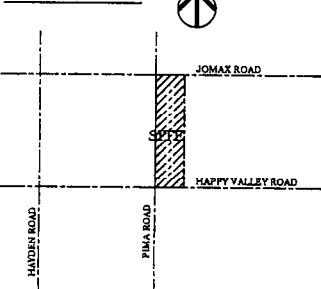
R1-70 ESL Setbacks (per amended dev. stds):	
Min. Lot Area	52,500 Sq. Ft
Front	45 Ft
Side	22.5 Ft
Rear	45 Ft

Project Phasing	Phase 1 of 1
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Owner: Pivotal Group
2555 E. Camelback Road, Ste 700
Phoenix, AZ 85016

Applicant: LVA Urban Design Studio
7502 E. Main Street
Scottsdale, AZ 85251
PH. 480.994.0994
Contact: Steven Voss

VICINITY MAP



CONTEXT AERIAL & CONTEXT SITE PLAN

PINNACLE PEAK PLACE SCOTTSDALE, ARIZONA
(NEC OF PIMA ROAD & HAPPY VALLEY ROAD)



ATTACHMENT #6

[illegible]

Labels pulled 9/8/2005

Additional Notifications:

- 7-AB-2005**

ATTACHMENT #7

Pinnacle Peak Place

COMMISSION MEETING. SECONDED BY COMMISSIONER HEITEL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

Upon clarification by Chairman Gulino, Commissioner Barnett confirmed the desire to move case 16-AB-2005 (Cascabel 1 & 2) to the regular agenda.

CONTINUANCES

2. 20-ZN-2005 (Windmill Pass)

Ms. Galav confirmed that staff has not received a status update from the Applicant and suggested that the Commission consider continuing the case to the next meeting, for an official update.

Commissioner Schwartz noted that the general plan amendment has been withdrawn and questioned the continuance in that regard. Ms. Galav informed the Commission that the two cases are separate matters and Council has indicated that Windmill Pass case can move forward and officially be denied.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE NUMBER 20-ZN-2005 (WINDMILL PASS) TO THE NOVEMBER 9TH MEETING. SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

EXPEDITED AGENDA

5. 7-AB-2005 (Pinnacle Peak Place)

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE 7-AB-2005 (PINNACLE PEAK PLACE). SECONDED BY COMMISSIONER BARNETT. THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).

Upon request for clarification from the audience, Chairman Gulino confirmed that the above approved case was 7-AB-2005. Chairman Gulino acknowledged receipt of a request by David Bresnahan to address the meeting regarding the case.

David Bresnahan, Desert Highlands, Lot number 377, addressed the Commission, expressing concern regarding the amount of traffic that enters out onto Pima Road and the speed at which the traffic travels. Mr. Bresnahan requested that north and south turn lanes be installed, the road be widened, the speed reduced from 55 mph to 45 mph, and a signal light added.

Commissioner Schwartz informed Mr. Bresnahan that the Commission will be discussing the particular site at the next hearing and suggested that Mr. Bresnahan attend. He also suggested that Mr. Bresnahan attend the Development Review Board hearing regarding the case.

In response to inquiry by Commissioner Heitel regarding the status of the plat, Mr. Curtis confirmed that the preliminary plat was approved and is in the final plan review process, with anticipation of a final plat in December.

Discussion ensued regarding the ingress/egress issues presented by Mr. Bresnahan. Chairman Gulino noted that the case is simply an abandonment of an existing roadway while the issues presented by Mr. Bresnahan are issues related to Pima Road. He noted that if there is in-fact a dilemma with getting ingress and egress on that property, a stipulation would be needed to the 80 lots requiring some widening on Pima Road and opined that the issue should be addressed via the other portions of the case.

Upon request for confirmation by Chairman Gulino and Commissioner Heitel, Phil Kercher confirmed that a two-way left turn lane was installed fairly recently on Pima Road to provide the left-turn movement into the site. Additionally, right-turn deceleration lanes are stipulation requirements as part of the preliminary plat. He further informed the Commission that anticipation of a future signal at that location was part of the intent in realigning the street with the street on the west.

Upon further request for clarification by Commissioner Heitel, Mr. Kercher confirmed that the noted stipulations are specific to the preliminary plat.

Chairman Gulino asked whether any of the Commissioners wished to reconsider their previous vote. Upon hearing none, the prior motion to recommend approval stands.

REGULAR AGENDA

3. 16-AB-2005 (Cascabel 1 & 2)

Upon request by Commissioner Barnett for a brief presentation, Mr. Ward presented the case. Highlights of the presentation included an overview of the abandonment request. Staff recommends approval.

Commissioner Barnett queried the matter with respect to the approval of the lot-split prior to the proposed request for abandonment. Acknowledging that the lot-split cannot move forward without the abandonment, Commissioner Barnett queried the process. Mr. Ward explained that the land division occurred April 15, 2005 and is conditional at this point. The project stipulations required dedication of a road right-of-way along the north side of the property; access to be provided to the property west of the site, and a 10-foot wide abandonment along 64th Street on the east side of the site. The stipulations must be met in order for the project to proceed.

Upon inquiry by Chairman Gulino, Mr. Ward confirmed that the lot-split is conditionally approved, subject to the abandonment. The lots have not yet been officially created. No new titles have been issued.

In response to a request for clarification of the process by Commissioner Heitel, Mr. Ward reported that the lot split is an administrative holding and has not yet been recorded on the property.

APPROVED



DESERT HIGHLANDS

November 7, 2005

John V. Berry, Esq.
BERRY & DAMORE LLC
Suite 103
6750 East Camelback Road
Scottsdale, AZ 85251

Re: Pinnacle Peak Place / Pivotal Scottsdale 123 LLC
Cases Nos. 2-HE-2004; 21-PP-2004; 6-AB-2004 and 7-AB-2004

Dear Mr. Berry:

This will confirm that The Desert Highlands Association supports in principle the requests included in each of the four applications referenced above that have been filed with the City of Scottsdale by Pivotal Scottsdale 123 LLC, and that you may use this letter to evidence that support.

As you know, Desert Highlands (i) abuts approximately 75% of the east side (the longest dimension) of the planned Pinnacle Peak Place project; (ii) is its largest and closest neighbor; and (iii) will be affected and impacted much more by the proposed development than will any other community. Through its designated representatives, Desert Highlands has had positive meetings with your client and its professional consultants beginning at the State Land Department auction, where Pivotal acquired this 124+/- acre parcel in December 2003, and continuing in a responsible and reasonable fashion ever since. We are aware that the applicant could have filed its preliminary plat prior to May 2004 without seeking an accompanying hardship exemption but instead waited to complete its initial discussions with Desert Highlands first. That commendable approach resulted in more open space and fewer homes for the project than the zoning allows, and we hope the city will favorably consider that responsible action as part of its evaluation of the hardship exemption that would not otherwise have been required. We also understand that the two pending roadway abandonment applications are designed to increase traffic safety through the proposed realignments of Happy Valley Road and Desert Highlands Drive at their presently offset intersections with Pima Road in order to match existing streets to the west, and the Association supports those applications as well.

ATTACHMENT #9

DESERT HIGHLANDS

Desert Highlands is presently negotiating easement and use agreements with Pivotal and its development partners for utility relocation and realignment (water and wastewater) (see, *e.g.*, DRB Stipulation #99); for private roadway construction, use and repair (see, *e.g.*, DRB Stipulations #46, 63, 64, 73, 74 and 79); and for maintenance of the existing meandering wall between the two properties. Because those executory agreements will supplement and will be consistent with the associated terms of Pivotal's pending applications, Desert Highlands supports those applications and looks forward to their grant at the earliest practicable opportunity.

Please let me know if you have any questions concerning this letter. We thank you for your professional cooperation and assistance with this project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy M. Bakels', with a large, stylized flourish at the end.

Timothy M. Bakels, CCM
General Manager
The Desert Highlands Association

TMB:dbb